

EXHIBIT 10

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9  
SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR KING COUNTY

10 ROB RINDE, f/k/a ROBERT LARRY LEROY  
11 PITSOR, JR.,

12 Plaintiffs,

13 v.

14 THE CORPORATION OF THE PRESIDENT  
15 OF THE CHURCH OF JESUS CHRIST OF  
LATTER-DAY SAINTS, a Utah corporation  
sole, a/k/a the "MORMON CHURCH" THE  
16 CHURCH OF JESUS CHRIST OF  
LATTER-DAY SAINTS, an unincorporated  
17 association,

18 Defendant.

19 NO. 06-2-09825-1 SEA

20 PLAINTIFF ROBERT RINDE, f/k/a  
ROBERT LARRY LEROY PITSOR, JR.'S  
ANSWERS AND RESPONSES TO  
DEFENDANT CORPORATION OF THE  
PRESIDENT OF THE CHURCH OF  
JESUS CHRIST OF LATTER DAY  
SAINTS' ("COP") FIRST  
INTERROGATORIES AND FIRST  
REQUESTS FOR PRODUCTION OF  
DOCUMENTS TO PLAINTIFF

21 TO: THE CORPORATION OF THE PRESIDENT OF THE CHURCH OF JESUS  
22 CHRIST OF LATTER-DAY SAINTS, a Utah corporation sole, a/k/a the  
"MORMON CHURCH" THE CHURCH OF JESUS CHRIST OF  
LATTER-DAY SAINTS, an unincorporated association, Defendants;

23 AND TO: Charles C. Gordon and Jeffrey I. Tilden of Gordon Murray Tilden LLP,  
Attorneys for Defendants.

24 Plaintiff, for his Answers and Responses to Defendants' First Interrogatories and First  
25 Requests for Production of Documents, states as follows:

26  
DEF LDS CHURCH'S 1ST INTERROGS/RFPS TO PLTF  
AND PLAINTIFF'S ANSWERS THERETO - 1 of 30  
[rinde discovery responses.DOC]

LAW OFFICES  
GORDON, THOMAS, HONEYWELL, MALANCA,  
PETERSON & DAHEIM LLP  
ONE UNION SQUARE  
600 UNIVERSITY, SUITE 2100  
SEATTLE, WASHINGTON 98101-4185  
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ORIGINAL



EXHIBIT 11

SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR KING COUNTY

10 ROB RINDE, f/k/a ROBERT LARRY LEROY  
11 PITSOR, JR.,

12 Plaintiffs,

13 v.

14 THE CORPORATION OF THE PRESIDENT  
15 OF THE CHURCH OF JESUS CHRIST OF  
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17 CHURCH OF JESUS CHRIST OF  
LATTER-DAY SAINTS, an unincorporated  
association,

18 Defendant.

19 NO. 06-2-09825-1 SEA

20 PLAINTIFF ROBERT RINDE, f/k/a  
ROBERT LARRY LEROY PITSOR, JR.'S  
ANSWERS AND RESPONSES TO  
DEFENDANT CORPORATION OF THE  
PRESIDENT OF THE CHURCH OF  
JESUS CHRIST OF LATTER DAY  
SAINTS' ("COP") FIRST  
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REQUESTS FOR PRODUCTION OF  
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21 TO: THE CORPORATION OF THE PRESIDENT OF THE CHURCH OF JESUS  
CHRIST OF LATTER-DAY SAINTS, a Utah corporation sole, a/k/a the  
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ORIGINAL

**INTERROGATORY NO. 3.** State the full name, telephone number, last known address of every person known to you or your attorney who has any knowledge regarding the facts and circumstances and damages alleged in your Amended Complaint, along with a brief description of their knowledge.

**ANSWER:**

Objection to the extent this interrogatory seeks information protected by the attorney-client and/or work-product privileges. Plaintiff additionally objects to the extent this interrogatory seeks information which is in the possession of COP and/or its witnesses. Without waiving these or any other objections, and subject to plaintiff's right to supplement, plaintiff is aware of the following persons with knowledge:

### Individuals associated or formerly associated with the Mormon Church

Gordon Conger  
2217 123<sup>rd</sup> Avenue SE  
Bellevue, WA 98005  
(425) 746-9658

Mr. Conger's knowledge includes, but is not necessarily limited to, general knowledge re: Lewis' abuse of children, including plaintiff Rob Rinde. Mr. Conger additionally has knowledge of accompanying Rinde to a meeting at the King County Courthouse/prosecuting attorneys' office and of the "advice" to Rinde that he should not tell the prosecuting attorney/victim's advocate of Lewis' abuse. Mr. Conger also has knowledge about his role and the role of other church officials in responding to the abuse allegations against Paul Lewis.

Discovery is continuing.

Bishop Johannsen  
Bishop Lyman Nielsen  
Unknown address and telephone

Robert Rinde reported the abuse to both Bishop Johannsen and Bishop Nielsen. After Rob's notification, both Bishops discussed the abuse allegations with Anne Rinde. For further information relating to the nature and extent of the conversations between Anne Rinde and both Bishop Johannsen and Bishop Nielsen, *see*, Anne Rinde's deposition transcript. In addition, both Bishop Johannsen and Bishop Nielsen

1 have knowledge about the actions or lack thereof of the Mormon  
 2 Church, in responding to, or in failing to respond to, the allegations of  
 3 the abuse. Discovery is continuing.

4 Paul Lewis  
 5 Unknown address and telephone

6 Perpetrator of the abuse. Mr. Lewis additionally has knowledge relating to  
 7 actions taken or not taken by Mormon Church officials after the officials  
 8 learned of the abuse.

9 Other Individuals

10 Kate Hall  
 11 104 E 8<sup>th</sup> Street  
 12 Starbuck, MN 56381  
 13 (320) 239-4700

14 Personal care assistant/friend of plaintiff. Ms. Hall has knowledge of  
 15 plaintiff's emotional and physical damages. Ms. Hall additionally has  
 16 knowledge relating to conversations and communications between Rob  
 17 Rinde and Bishops Rosebrough and Pease relating to Paul Lewis (as  
 18 indicated in more detail in response to Interrogatory No. 6 below).

19 Anne Mitchell Rinde  
 20 Grace Home  
 21 116 West 2<sup>nd</sup> Street  
 22 Graceville, MN 56240  
 23 (320) 748-7261

24 Plaintiff's mother. Among other things, Ms. Rinde has knowledge  
 25 about the circumstances of the abuse inflicted upon plaintiff by Paul  
 26 Lewis, and has knowledge of the some of the damages plaintiff has  
 suffered as a result of the abuse and as a result of the actions, or  
 inactions, of Mormon church officials, including Gordon Conger.  
 Ms. Rinde also has knowledge of statements made and some of the  
 actions of certain Mormon church officials as described in the  
 Amended Complaint. For further information, see transcript of Anne  
 Rinde's deposition.

1 Health Care Providers/Therapists2  
3  
4  
5  
6  
7  
Dr. Stacey Luetmer  
Alexandria Clinic, P.A.  
610 – 30th Avenue West  
Alexandria, MN 563088  
9  
10  
11 Dr. Luetmer is a general practitioner who has limited knowledge of the  
facts and circumstances of the abuse but is aware that plaintiff was  
sexually abused. Dr. Luetmer additionally has knowledge of plaintiff's  
general health issues and medication management.12  
13  
14  
15 Jan Nix, Ph.D.  
2401 – East 4<sup>th</sup> Avenue  
Suite 200  
Olympia, WA 98586  
(360) 786-949916  
17 Dr. Nix is a therapist who saw plaintiff for therapy related to his  
divorce. Rinde disclosed the abuse to Dr. Nix. Dr. Nix also has  
knowledge of plaintiff's emotional and psychological damages.18  
19  
20  
21  
22 Marilyn Tisserand, M.S.  
110 – 6<sup>th</sup> Street East  
Alexandria, MN 56308  
(320) 763-900023  
24  
25  
26 Ms. Tisserand is providing ongoing therapy to plaintiff and has  
knowledge regarding the facts, circumstances and damages suffered by  
plaintiff. Ms. Tisserand additionally has knowledge of abuse incidents  
as they were uncovered during therapy and has knowledge of the extent  
of the emotional and psychological damage plaintiff suffered and  
continues to suffer.27  
28  
29  
30 Two Rivers Psychiatric Hospital  
5121 Raytown Road  
Kansas City, MO 6413331  
32  
33  
34 John Klema, III, D.O. (history and physical at admission); Manley,  
M.D. (psychological testing); Kenneth A. Spaulding, M.D. (discharge  
summary, psychiatric evaluation) and other staff know of the sexual  
abuse and have knowledge of the severe emotional and psychological  
trauma that plaintiff suffered as a result. Plaintiff was hospitalized at

1 Two Rivers Psychiatric Hospital as an inpatient in November 2005 for  
 2 approximately 1 week.

3 River Oaks Hospital  
 4 1525 River Oaks Road West  
 5 New Orleans, LA 70123

6 Thomas Hauth, M.D., the attending physician, and other staff at the  
 7 hospital know of the sexual abuse and have knowledge of severe  
 8 emotional and psychological trauma plaintiff suffered as a result of the  
 9 abuse, particularly the dissociative identity disorder. Plaintiff was an  
 10 inpatient at River Oaks Hospital April 2005 for approximately four (4)  
 11 weeks.

12 Discovery is continuing and plaintiff specifically reserves the right to supplement  
 13 these discovery responses.

14 **INTERROGATORY NO. 4.** State the full name, telephone number and last known  
 15 address of any person known to you or your attorney who claims to have seen or heard any  
 16 representative of any defendant herein make any statement or statements pertaining to any of  
 17 the events or happenings alleged in your Amended Complaint.

18 **ANSWER:**

19 Anne Mitchell Rinde  
 20 Grace Home  
 21 116 West 2<sup>nd</sup> Street  
 22 Graceville, MN 56240  
 23 (320) 748-7261

24 Rob Rinde  
 25 104 E 8<sup>th</sup> Street  
 26 Starbuck, MN 56381  
 (320) 239-4700

27 Kate Hall  
 28 104 E 8<sup>th</sup> Street  
 29 Starbuck, MN 56381  
 (320) 239-4700

**DEPOSITION OF GORDON CONGER,  
DATED FEBRUARY 15, 2007**

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF KING

ROB RINDE f/k/a ROBERT LARRY LEROY )  
PITSOR, JR., )  
Plaintiff, )  
vs. ) No. 06-2-00825-1 SEA  
THE CORPORATION OF THE PRESIDENT )  
OF THE CHURCH OF JESUS CHRIST OF )  
LATTER-DAY SAINTS, a Utah )  
corporation sole; and the "MORMON" )  
CHURCH" THE CHURCH OF JESUS CHRIST )  
OF LATTER-DAY SAINTS, an )  
unincorporated association, )  
Defendants. )

DEPOSITION OF GORDON G. CONGER

February 15, 2007

Seattle, Washington

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1 MR. GORDON: Objection to the form.

2 But go ahead, if you know.

3 A I -- I do not have personal knowledge of the truth.

4 Q (By Ms. Menely) Do you doubt that Rob Pitsor was  
5 abused by Paul Lewis?

6 MR. GORDON: Objection. Form.

7 There's no foundation for this.

8 But go ahead.

9 A Well, I'm assuming that he did.

10 Q (By Ms. Menely) When did you first become aware of  
11 Paul Lewis's being an abuser of Rob Pitsor?

12 A Well, I -- I first became aware that Rob Pitsor had  
13 been abused when his mother called me and asked me to  
14 take Rob for an interview with a King County deputy  
15 prosecutor. I don't think I knew the name at the  
16 time. I did not know the man. I've never met the  
17 man.

18 Q You said that his mother called and asked you to take  
19 Rob to a meeting with a King County prosecuting  
20 attorney?

21 A Yes.

22 Q And do you recall when Anne -- was that Anne? I'm  
23 sorry.

24 A That's Joyce Pitsor.

25 Q Joyce Pitsor.

1 Q Was this the child -- you don't know if this was the  
2 child abuse section or something of that nature?

3 A Could have been. I do not know.

4 Q Do you happen to remember the room number?

5 A No. No.

6 Q Do you remember who you met with?

7 A We were greeted by a young woman. I think we knocked  
8 on the door, which was -- we were greeted by a young  
9 woman. We identified Rob for her. I did. I took  
10 the lead.

11 I -- she knew -- she was expecting him. I asked  
12 if I could be in attendance at the meeting with him.  
13 She said, "No. You need to let us be alone." And so  
14 Bishop Johennesen and I sat down on a bench in the  
15 hallway across from the entrance to the office.

16 Q The young woman that you're referring to, was she the  
17 deputy prosecuting attorney?

18 A I don't know. She was the one that was expecting  
19 him.

20 Q Can you describe her at all?

21 A I don't remember what she looked like.

22 Q Was she Caucasian?

23 A I just don't remember.

24 Q Was she -- do you know if she was young?

25 A My impression, youngish.

1 Q Well, you said "young." So the young woman -- you  
2 asked if you could be in attendance, and she said no,  
3 so she took Rob into some other room somewhere?

4 A Into that -- into that area where she greeted us, and  
5 I don't know where they ended up.

6 Q Do you know if Rob wanted you to be in attendance  
7 with him at the meeting?

8 A Well, his mother would have liked me to be in  
9 attendance, and expressed that to me, and so I asked.  
10 Rob was not vocal about it.

11 Q When the young woman told you that you couldn't be in  
12 attendance, did you talk with her at any length about  
13 that, or was that -- how did that work?

14 A I -- that was the end of the discussion. She and Rob  
15 left, and Bishop Johennesen and I went and sat down.

16 Q Did you -- do you recall whether you advised the  
17 woman whether you were Rob's lawyer, family friend,  
18 father figure?

19 A Well, I certainly didn't advise her that I was his  
20 lawyer, because I wasn't. I think I just introduced  
21 myself as bringing Rob. I might have said "friend."

22 Q Do you know if Bishop Johennesen had any conversation  
23 with the young woman?

24 A He didn't. He let me take the lead.

25 Q But he was there with you the whole time?

1 A Yes.

2 Q How long was Rob -- did Rob meet with this young  
3 woman?

4 A I don't remember exact time. It was long enough that  
5 I realized how uncomfortable those wooden benches in  
6 the courthouse are. I have tried cases in the  
7 courtrooms, and the one in the hall was the same kind  
8 of bench as in those old courtrooms.

9 And they are not built for comfort, and I  
10 remember thinking, Boy, I'm glad that, when I try a  
11 case, I don't have to sit in this monstrosity, so it  
12 was long enough that I became uncomfortable.

13 Q Do you recall what the conversation -- did you and  
14 Bishop Johennesen have any conversation while you  
15 were sitting on that uncomfortable bench?

16 A I'm sure I did. There was nothing else to do, but I  
17 have no idea with we talked about. It would have  
18 been chitchat.

19 Q I take it the young woman eventually brought Rob back  
20 to the bench to where you were?

21 A Yes.

22 Q And did you have any further conversation with the  
23 young woman at that point?

24 A I just asked how it went, and she gave me some kind  
25 of an ambiguous answer. She didn't say. She didn't

1 A No.

2 Q Had you forgotten that you had taken Rob to that trip  
3 to Seattle to see the King County prosecuting  
4 attorney at any time?

5 A No. I think I've always remembered that.

6 Q Any other conversations that you can recall with Rob  
7 over the years?

8 A Well, to give you a little -- I guess I've identified  
9 four conversations, one in '96 or '97. The context  
10 for that was that at that time I was in Area 70.  
11 Part of my responsibilities were to conduct stake  
12 conferences, which those are a semiannual meeting for  
13 all church members in a stake.

14 And so it involved somewhere around 1,000 people.  
15 I was responsible to preside and to speak, and at the  
16 conclusion of the stake conference somewhere in the  
17 Olympia area -- I don't remember which stake. There  
18 are three or four down there, but it was one of the  
19 Olympia area stakes.

20 After the meeting was concluded, Rob came up to  
21 the front where I was and greeted me. I, of course,  
22 remembered him. He had a young woman with him who he  
23 introduced to me as his wife and was very happy, and  
24 we had a very warm conversation for three or four  
25 minutes.

1 I believe they had a child. I'm not sure that  
2 they had the child with them, but he was there with  
3 her, and he was proud to be married, and I was happy  
4 to greet his wife, and it was a pleasant moment.

5 Q And then the second meeting was at your home --

6 A Yes.

7 Q -- where Rob came?

8 Do you remember when that was?

9 A That was sometime later, but not a long time later.  
10 And, again, he and his wife stopped by. I think they  
11 had connected with perhaps the Stowell family who  
12 lived very close in our neighborhood and who had  
13 became his home teacher after I was no longer their  
14 teacher.

15 And, again, that was a very pleasant  
16 conversation. We were happy to get better acquainted  
17 with his wife. I think he brought back a guitar that  
18 we had loaned him.

19 MR. GORDON: Do you want to take a  
20 break, Gordon? Are you okay?

21 THE WITNESS: No. Let's talk.

22 A When we were his home teacher, we tried to give him a  
23 special gift each Christmas. We gave him a computer  
24 one Christmas because they didn't have much.

25 And he expressed a desire, one of our visits, to

1 take guitar lessons, but he didn't have a guitar. So  
2 we bought a guitar, and the next time we went, we  
3 loaned it to him. It was not Christmastime. We  
4 couldn't say it was a gift, and I think he brought  
5 that guitar back on that second visit, and we have it  
6 today.

7 Q (By Ms. Menely) And there was no discussion about  
8 the abuse or the trip to King County, just a pleasant  
9 conversation?

10 A No. Just a pleasant conversation, warm conversation.

11 Q And then the other two communications you've had with  
12 Rob were the two phone calls?

13 A Right.

14 MS. MENELY: Why don't we go ahead  
15 and take a five-minute break, if it's okay with you  
16 guys?

17 MR. GORDON: Sure.

18 (Recess taken from 10:33  
19 a.m. to 10:43 a.m.)

20

21 EXAMINATION (Continuing)

22 BY MS. MENELY:

23 Q Mr. Conger, I'm trying to get my bearings here. Do  
24 you know Bishop Lymon Nielsen?

25 A No.

1 A Well, we go by twos, and the home teacher is a church  
2 assignment, and we are asked to have a companion. He  
3 also was a holder of the priesthood, and so this is a  
4 way for young men to learn how to serve.

5 Q What happens at a home teaching session? Do you talk  
6 about -- for instance, do you talk about not having  
7 Christmas gifts or do you talk about spiritual  
8 matters?

9 MR. GORDON: Are we talking about  
10 when he was at the Pitsor residence?

11 MS. MENELY: Yes.

12 MR. GORDON: Okay.

13 A We would spend some time in conversation, which was  
14 to build friendship, build empathy. We would try to  
15 leave a short spiritual message and then always  
16 conclude with prayer, a blessing on the home and  
17 family.

18 Q (By Ms. Menely) And is this pretty generally how  
19 home teachings work?

20 A Yes.

21 Q So there's nothing special about the Pitsor family?

22 A Well, there were lots of needs there, so we spent  
23 lots of time with the needs.

24 Q And can you explain that to me? Do you mean you went  
25 there more often than you would other families where

1 you were a home teacher, or you spent more time there  
2 on your home visits, or --

3 A Well, probably more time on the visits. Joyce  
4 unfortunately, because of obesity and other health  
5 issues, was very minimally functional. She could  
6 barely walk around, and so that household needed a  
7 lot of help.

8 The women's organization in our ward also visited  
9 Joyce each month, two women called visiting teachers,  
10 and they would periodically get a group of ladies  
11 together to clean the place up and to give her a lift  
12 with household needs.

13 And we helped coordinate that, and that was  
14 conveniently done when Myrna was working, so Myrna  
15 would visit part of the time, and David would visit  
16 with me part of the time. I never went alone.

17 Q Do you know who the two women were in the -- you said  
18 two women of the women's organization also visited.

19 Did you mean that on somewhat of a regular basis?

20 A Yes. They would make monthly visits as well. I  
21 believe Bonnie Stowell was one of her visiting  
22 teachers. I'm not sure of that, but I believe so. I  
23 don't -- I don't remember who else that would have  
24 been. Myrna handled liaison with the visiting  
25 teachers.

1 Q So you got to know Joyce and the rest of the family  
2 during these visits?

3 A Excuse me?

4 Q Did you get to know Joyce and the rest of the family  
5 during these home teaching visits?

6 A Yes.

7 Q Did you ever visit the Pitsor family on an unofficial  
8 basis, not as home teacher, just as a friend?

9 A I used to take the little boys to the park, which is  
10 across the street from the Pitsor home, and sometimes  
11 Rob would be with me, and sometimes he would not.

12 They had a pretty limited existence because Joyce  
13 wouldn't let them out to play in the play area around  
14 the complex there because she couldn't keep an eye on  
15 them, and so I tried to give them a little  
16 broadening.

17 I took Rob and the little boys to the government  
18 lots one Saturday for an extended outing. I took  
19 them to my office one Saturday for an extended  
20 outing. I wanted Rob to see another kind of life and  
21 to have some broadening.

22 So I did some of those things, but I did those  
23 really -- I mean, home teacher is supposed to be a  
24 friend, so those were done as -- in both ways.

25 Q Okay. Did you -- was this taking the children out to

1       in context, the first sentence says, "In  
2       approximately 1984/1985 Rinde disclosed the abuse and  
3       his mother reported to the civil and church  
4       authorities a criminal investigation of Lewis  
5       ensued."

6           Do you see that?

7 A Yes.

8 Q I'm going to ask you some questions about what  
9       follows, and the first -- the next sentence says,  
10       "Church officials described herein above shielded  
11       Lewis from the law."

12       Would you deny that you took any action in this  
13       matter that shielded Mr. Lewis from the law?

14 A I do deny that.

15 Q It goes on. "The same church officials urged Rinde,  
16       then age 14, to not cooperate with the law  
17       enforcement investigation of Lewis, thereby allowing  
18       Lewis to evade criminal prosecution and to move to  
19       another state where he eventually sexually molested  
20       more children."

21       Do you agree or disagree with the allegation,  
22       that you, as a church official, urged Rinde to not  
23       cooperate with authorities?

24 A I disagree. I did not.

25 Q It goes on. These church officials -- and I want you

1 to assume that you're one of those as referenced  
2 there -- told him that he would not be believed; that  
3 it would be, quote, his word, closed quote, against  
4 Lewis; that his allegations would hurt the image and  
5 representation of the Mormon Church; that Rinde would  
6 be ridiculed and denied -- derided by church members  
7 in addition to other comments calculated to  
8 intimidate Rinde from cooperating with the civil  
9 authorities from investigating Lewis.

10       Would you agree or disagree that you took any  
11       such actions?

12 A I disagree.

13 Q Would you -- did you see anything, from what you were  
14 personally involved in with Bishop Johennesen, that  
15 would suggest he participated in any such activity?

16 A I saw none.

17 Q Let's go to 4.2 -- 4.12. "An abused victim advocate  
18 in the King County prosecutor's office arranged a  
19 meeting with Rinde at her office. Before she can  
20 meet privately with Rinde, Mormon Church leaders  
21 interfered with the investigative process."

22       Do you agree or disagree with that allegation?

23 A As to my involvement in such a thing?

24 Q Yes.

25 A I was never involved in interfering with an

1 investigative process.

2 Q It says, "The three adult male officials" -- and I  
3 want you to assume one of whom is you -- "went to  
4 Rinde's home and told him that they would take him to  
5 the meeting at the prosecutor's office downtown. On  
6 the ride downtown in the car the three adult Mormon  
7 Church officials pressured Rinde not to cooperate  
8 with law enforcement officials."

9 Do you agree or disagree with that allegation?

10 A I never engaged in that kind of conduct.

11 Q Let's go to 4.13. "At the meeting the church  
12 official that was a licensed Washington attorney" --  
13 and I want you to assume that's you -- "told the  
14 victim's advocate that he was Rinde's attorney which  
15 was untrue. The church official/lawyer told the  
16 victim advocate he would not permit her to interview  
17 Rinde in private."

18 Do you agree or disagree?

19 A Well, I never told a prosecuting attorney or a  
20 victim's advocate that I was Rinde's attorney. I  
21 couldn't. I wasn't. My law firm procedures would  
22 preclude it and had not been observed. I never told  
23 them that he -- they would not be permitted to  
24 interview Rinde, ever.

25 Q In fact, did a private interview occur between Rinde

1 and whoever represented King County?

2 A Yes, as I've testified.

3 Q Okay. Go to Page 7 of 10. I'm looking at pages at  
4 the bottom there. Do you see at the bottom, 6.2?

5 A Yes.

6 Q And I want you to assume that you're representing  
7 what the defendant -- it says, "Defendant knew or in  
8 exercise of reasonable care should have known that  
9 tampering with a witness was unlawful and that such  
10 conduct as pressuring victims not to disclose would  
11 be harmful to the best interest and psychological  
12 well-being of child victims of sexual abuse including  
13 plaintiff."

14 Do you agree or disagree or deny that you engaged  
15 in any activity that would constitute tampering with  
16 a witness?

17 MS. MENELY: Objection. Calls for  
18 legal conclusion.

19 Q (By Mr. Gordon) You may answer.

20 A I, of course, have always known that tampering with a  
21 witness is unlawful, that is, always during my time  
22 as a lawyer since law school. I would never tamper  
23 with a witness. I would not ever pressure victims  
24 not to disclose or be harmful -- whatever the rest of  
25 these words say.

1 Q Okay. Let's go to complaint 8 of 10. You see 6.5  
2 there?

3 A Let's see.

4 Q It's complaint 8 of 10.

5 A Yes.

6 Q It says, "Of the church being more concerned about  
7 shielding itself from scandal and potential civil  
8 liability and intent on protecting the public  
9 interest of its all-male/Mormon priesthood.

10 "At the expense of aiding a gravely injured  
11 child" -- that was a plaintiff -- "pressured  
12 plaintiff into not cooperating with the civil  
13 authorities with full knowledge of and with reckless  
14 disregard of the emotional and psychological injuries  
15 its conduct was certain to inflict."

16 Do you agree or disagree if that is intended to  
17 include you as an actor in this that's accurate or  
18 not?

19 A It is not only not accurate, it's an outrage.

20 Q Let's go to Exhibit 3, if you would.

21 A (Witness complies.)

22 Q Exhibit 3, Mr. Conger. It's the next one. It's the  
23 interrogatory answer. Do you have it?

24 A I don't have it.

25 Q Oh, here it is. I'm sorry. I'm just going to ask

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SUPERIOR COURT  
SEATTLE CLERK

10 The Honorable William L. Downing  
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SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR KING COUNTY

15 ROB RINDE f/k/a ROBERT LARRY LEROY  
16 PITSOR, JR.,

17 NO. 06-2-09825-1 SEA

18 Plaintiff,

19  
20 [PROPOSED] ORDER DENYING  
21 PLAINTIFF'S MOTION TO AMEND  
22 COMPLAINT

23 THE CORPORATION OF THE PRESIDENT  
24 OF THE CHURCH OF JESUS CHRIST OF  
25 LATTER-DAY SAINTS, a Utah corporation  
26 sole; a/k/a the "MORMON CHURCH" THE  
27 CHURCH OF JESUS CHRIST OF LATTER-  
28 DAY SAINTS, an unincorporated association,

29 Defendants.

30  
31  
32 THIS MATTER came before the Court on the Plaintiff's Motion to Amend the  
33 Complaint to add several causes of action against Gordon Conger. The Court has considered  
34 plaintiff's motion, the Declaration of Michelle A. Menely and attached exhibits, defendant's  
35 opposition to the motion, the Declaration of Michael Rosenberger and attached exhibits and  
36 plaintiff's reply.

37 Having considered the parties' submissions, the Court hereby denies the motion. While  
38 motions to amend are usually freely given, a trial court appropriately denies a motion to amend

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45 ORDER - 1

GORDON MURRAY TILDEN LLP  
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Phone (206) 467-6477  
Fax (206) 467-6292

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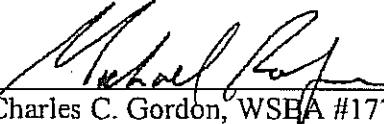
1 when a claim is without merit. To the extent plaintiff has any claims against Mr. Conger based  
2 upon his conduct in 1984 or 1985, they accrued at that time and the statute of limitations began  
3 to run when plaintiff turned 18 in 1987. They are now time-barred, and thus plaintiff's motion  
4 must be denied.

5  
6  
7 DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

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13 The Honorable William L. Downing  
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Presented by:

GORDON MURRAY TILDEN LLP

By 

Charles C. Gordon, WSBA #1773

Jeffrey I. Tilden, WSBA #12219

Michael Rosenberger, WSBA #17730

Attorneys for Defendant

ORDER - 2

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Exhibit        Page 678

## ORIGINAL COURT MINUTES

PAGE 22

\*\* PREPARED \*\*

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SHOW CAUSE COMPLIANCE HEARING - SEATTLE

THURSDAY, MARCH 1, 2007

JUDGE JOHN P ERICK COURT CLERK MAUREEN ANN BELL

\*90 DAYS PRIOR DATE\* DECEMBER 1, 2006

*Not reported*

06-2-09825-1 SEA

RINDE, ROB

VS CORPORATION OF THE PRESIDENT OF  
THE CHURCH OF JESUS CHRIST OF  
GORDON, CHARLES COOPER  
TILDEN, JEFFREY IVER

KOSNOFF, TIMOTHY DAVID

ORDER OF CONTINUANCE /SHOW CAUSE

---

Case is on track; parties to follow civil case schedule.

Status conference continued to 4-5-2007 unless before  
then A confirmation of joinder, a statement of arbitrability or a  
dismissal of all claims and parties is filed.

Case transferred to Mandatory Arbitration; Statement of Arbitrability to  
be filed by \_\_\_\_\_.

Case is dismissed without prejudice.

Order is signed.

Stricken no appearances.

SCOMIS CODE:

STAHRG  HSTKIC  HSTKNA  HCNTU

FILED

KING COUNTY, WASHINGTON

MAR 01 2007

SUPERIOR COURT CLERK  
BY MAUREEN ANN BELL  
DEPUTYIN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF KING

RINDE FKA

Plaintiff / Petitioner

vs.

CORP OF THE PRES OF THE CHURCH OF LATT

Defendant / Respondent

NO. 06-2-09825-1 SEA

ORDER ON SHOW CAUSE HEARING  
(Clerk's Action Required)

SCOMIS Code: ORSTAC/ORDSM/ORCNT

## I. The Court finds upon initial review that:

1.1 The parties were not in compliance with the Case Schedule. The Court further finds:  
 1.2 [ ] The parties appeared for the hearing.  
 1.3  The parties/\_\_\_\_\_ failed to appear for the hearing.  
 1.4 [ ] A Confirmation of Service, showing service on all named parties, has not been filed.  
 1.5 [ ] The case appears to be subject to mandatory arbitration, but is not yet at issue.  
 1.6 [ ] Mandatory pleadings having not been filed, the \_\_\_\_\_ has not moved for default.  
 1.7 [ ] \_\_\_\_\_

## II. It is hereby ordered:

2.1 [ ] This action / \_\_\_\_\_ is dismissed without prejudice.  
 2.2 [ ] The case is on track because it is in substantial compliance with the Case Schedule.  
 2.3 [ ] The case is fully at issue and subject to mandatory arbitration. The Court hereby transfers this case to mandatory arbitration, and a Statement of Arbitrability shall be filed by \_\_\_\_\_ with payment of \$220.  
 2.4 [ ] The Court further requires that:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 2.5 [ ] Sanctions / Terms in the amount of \$\_\_\_\_\_ shall be paid by \_\_\_\_\_ to the King County Clerk / \_\_\_\_\_ no later than \_\_\_\_\_ for failure to appear as ordered / comply with court rules / \_\_\_\_\_.  
 2.6  This matter is continued until 4-5-2007. Hearing will be stricken if an amended confirmation of joinder is filed with Box 1 checked or case will be dismissed.  
 2.7 FAILURE TO COMPLY WITH ANY TERMS OF THIS ORDER MAY RESULT IN DISMISSAL OR FURTHER SANCTIONS.

DATED: MAR 01 2007

Superior Court Judge John P. Erlick

rptORSC

06-2-09825-1 SEA

GORDON, CHARLES COOPER  
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SEATTLE, WA 98154-1007

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2007 MAR -5 AM 11:15 THE HONORABLE WILLIAM L. DOWNING

KING COUNTY  
SUPERIOR COURT CLERK  
SEATTLE, WA.

SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR KING COUNTY

ROB RINDE f/k/a  
ROBERT LARRY LEROY PITSOR, JR.,

Plaintiff,

v.

THE CORPORATION OF THE PRESIDENT  
OF THE CHURCH OF JESUS CHRIST OF  
LATTER-DAY SAINTS, a Utah corporation  
sole.

Defendant.

NO. 06-2-09825-1 SEA

REPLY ON MOTION TO AMEND  
PLAINTIFF'S AMENDED COMPLAINT

NOTED FOR: MARCH 5, 2007  
WITHOUT ORAL ARGUMENT

COMES NOW Plaintiff Rob Rinde, by and through his attorneys of record, and replies to the Opposition by the Corporation of the President of the Church of Jesus Christ of Latter-Day Saints to Plaintiff's Motion to Amend Complaint.

I. THE DEFENDANT'S IMPROPER ATTEMPT TO CONVERT THIS MOTION  
INTO A SUMMARY JUDGMENT MOTION SHOULD BE REJECTED

Defendant Corporation of the President of the Church of Jesus Christ of Latter-Day Saints ("COP"), has improperly tried to turn this motion to amend into a motion for summary judgment. Plaintiff presented a basic motion to amend to add claims against a person who is not only well known to COP, but is a person COP has long known to be someone that the plaintiff may add as a party to this litigation. Following Conger's deposition, plaintiff has

REPLY ON MOTION TO AMEND COMPLAINT - 1  
(06-2-09825-1 SEA)  
[176457 v18.doc]

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ORIGINAL

1 chosen to add him as a party. On a motion to amend to add claims against a new party, the  
 2 plaintiff is not required to establish its claims to a summary judgment standard. *See* CR 15,  
 3 CR 56. It would be impossible for plaintiff to prepare an adequate response to all the issues  
 4 raised by COP within the time constraints and page limits imposed for a reply to a motion to  
 5 amend. If a summary judgment standard was applied to a motion to amend, before significant  
 6 discovery and expert evaluations could be completed, then motions to amend to add claims  
 7 would likely never be granted. Instead, the rule provides that leave to amend should be freely  
 8 given where justice so requires. CR 15. Here, in light of the facts regarding Mr. Conger's  
 9 actions and his relationship with COP and the plaintiff, justice requires that the plaintiff be  
 10 allowed to add claims against Mr. Conger in this lawsuit for the damages he has suffered.  
 11 COP can bring its substantive and dispositive motions (to the extent they have any merit)  
 12 another day.

13

14 **II. COP HAS NOT ALLEGED IT WILL SUFFER ANY PREJUDICE BY THE  
 AMENDMENT**

15

16 COP's entire brief is an outline of its trial defenses (essentially blaming the victim and  
 17 his family), but does not provide any evidence that it will suffer any prejudice as a result of  
 18 the addition of the claims against Conger. COP does not even attempt to argue it will suffer  
 19 prejudice, implicitly conceding that it will not be prejudiced in any way by the amendment.  
 20 As stated in the original Motion, trial is many months away, discovery is just starting, and  
 21 plaintiff has no objection to a continuance of the trial if necessary. Where COP cannot show  
 22 that it will suffer from any prejudice by the addition of Conger, the plaintiff should be allowed  
 23 to amend his complaint to add claims against Conger. *O'Kelly v. Sali*, 67 Wn.2d 296, 298,  
 24 407 P.2d 467 (1965); *Lind v. Fick*, 15 Wn. App. 614, 550 P.2d 709 (1976); *Grant v. Morris*,  
 25 7 Wn. App. 134, 498 P.2d 336 (1972).

26

REPLY ON MOTION TO AMEND COMPLAINT - 2  
 (06-2-09825-1 SEA)  
 [176457 v18.doc]

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1                   **III. PLAINTIFF STATES VALID CLAIMS AGAINST CONGER THAT ARE NOT**  
 2                   **BARRED BY THE STATUTE OF LIMITATIONS**

3                   Despite COP's improper attempt to convert this motion to amend into a summary  
 4                   judgment motion, COP's arguments regarding the validity of the plaintiff's claims against  
 5                   Mr. Conger still fail. COP's primary argument is that the claims against Conger are without  
 6                   merit because they are time barred, relying on the conclusory determination that  
 7                   RCW 4.16.340 does not apply to the claims against Conger. However, a correct reading of  
 8                   the statute and the case law interpreting the statute leads to the conclusion that RCW 4.16.340  
 9                   applies directly to plaintiff's claims against Conger. The statute applies to "[a]ll claims or  
 10                  causes of action based on" sexual abuse. RCW 4.16.340. Consistent with the language of the  
 11                  statute, the Washington Supreme Court has interpreted this statute very broadly to include  
 12                  negligence claims if they are based on sexual abuse inflicted by a third party. *C.J.C. v.*  
 13                  *Corporation of the Catholic Bishop of Yakima*, 138 Wn.2d 699, 709-711, 985 P.2d 262  
 14                  (1999). Here, plaintiff alleges that he suffered from significant damages as a result of **both**  
 15                  Mr. Conger's **intentional** and **negligent** conduct in failing to help him obtain appropriate aid  
 16                  following the rape and in pressuring him to recant his allegations of sexual abuse committed  
 17                  by a Mormon Church scoutmaster and priest in an effort to cover up the abuse and protect the  
 18                  Mormon Church. Under the plain language of the statute and the analysis set out in *C.J.C.*,  
 19                  plaintiff's claims against Mr. Conger are based on the sexual abuse he suffered and fall clearly  
 20                  within the statute of limitations provided by 4.16.340.<sup>1</sup>

21                  COP also fails to recognize the applicability of the doctrine of emotional disability  
 22                  tolling of the statute of limitations, which has long served as a legal protection for those  
 23                  crippled by emotional disability like plaintiff. RCW 4.16.190. This doctrine applies to any

24  
 25  
 26                  <sup>1</sup> COP also incorrectly argues that plaintiff's claims are time barred because he was aware of some of the actions  
                         of Conger on the day of the meeting with the prosecutor. However, this argument is without any merit where  
                         RCW 4.16.340 provides that the cause of action accrues at the time that the victim connects the damages  
                         suffered with the actions, regardless of whether the victim was aware and retained a recollection of the actions  
                         giving rise to the claim. Either way this is a question for the jury.

1 cause of action, not just those based on intentional conduct or sexual abuse. Moreover, the  
 2 emotional disability that forms the basis for the equitable tolling need not have been the  
 3 consequence of the defendant's tortious conduct but can be wholly unrelated. Here, the  
 4 plaintiff's well-documented medical disability, as conceded by COP in its Opposition, is  
 5 buttressed by the fact that COP and Conger were the cause of the emotional disability and  
 6 should not derive a legal benefit from the harm their conduct has caused plaintiff. Even if  
 7 RCW 4.16.340 did not apply to the plaintiff's claims, the emotional disability tolling doctrine  
 8 applies so that plaintiff's claims against Mr. Conger are timely and he should now be granted  
 9 leave to pursue those claims.<sup>2</sup>

10 COP also argues that plaintiff's Outrage claim fails as a matter of law where "allowing  
 11 the claim to go to the jury would improperly permit double recovery." Opposition at p. 11.  
 12 COP's argument on this point is simply premature. Plaintiff is seeking an amendment to add a  
 13 new party and, as is warranted and frequently observed, plaintiff has stated all potential  
 14 causes of action that are justified on the facts known to him at this time. Plaintiff is entitled to  
 15 assert all potential claims at this point, even if plead in the alternative. Whether or not all  
 16 claims are ultimately submitted to the jury is not germane to this Motion to Amend.<sup>3</sup>

17 Finally, COP argues that plaintiff's Motion to Amend to add claims against Conger  
 18 should be denied because no duty may be imposed on Conger to support a negligence claim  
 19 where he was simply engaging in acts of friendship and companionship. This is clearly a  
 20 factual question for the jury. COP's argument on this issue is based on the self-serving  
 21 testimony of Conger.<sup>4</sup> However, a review of Conger's deposition actually provides further

22  
 23 <sup>2</sup> As a practical matter, questions concerning whether the case is time-barred and whether the statute is tolled are  
 24 both premature future questions for the jury, and in this case involve complex psychological issues which require  
 25 significant expert work-up.

26 <sup>3</sup> For the same reasons, COP's arguments that the conspiracy claim and the negligence claim are without merit  
 27 because of plaintiff's alternative pleading fails.

<sup>4</sup> COP's entire Opposition, which attempts to paint an unduly favorable picture of Mr. Conger and is essentially  
 28 a defense of the claims against Mr. Conger, causes one to further notice the significance of the relationship  
 29 between COP and Mr. Conger.

1 support for plaintiff's claims that Conger and COP sought to cover up plaintiff's allegations of  
 2 abuse. Conger agreed to act in the place of a parent and accompany the twelve year old boy  
 3 to a meeting with the prosecutor's office to report to authorities that he had been sexually  
 4 molested, but now claims in deposition all he did was give him a ride and wait outside during  
 5 the interview. *Opposition at 5.* Conger's testimony strains credulity, where Conger had a  
 6 long relationship with the family as a church-appointed "home teacher," who was regularly  
 7 and deeply involved with the plaintiff and his family. *Conger Deposition, pp. 46-48.* Conger  
 8 was assigned by the COP to assist the plaintiff and his family in personal matters, assumed  
 9 further obligation to the plaintiff by agreeing to accompany him to a meeting to report the  
 10 horrific and sadistic abuse by another member of his Mormon Church and then failed in his  
 11 responsibilities by making no effort to ensure that the plaintiff reported the abuse, received the  
 12 help he needed, the Mormon Scoutmaster was removed, and the child received medical  
 13 treatment. These facts alone support a negligence claim against Conger. RESPECTFULLY  
 14 SUBMITTED this 5<sup>th</sup> day of March 2007.

15  
 16 GORDON, THOMAS, HONEYWELL,  
 17 MALANCA, PETERSON & DAHEIM LLP  
 18

19 By \_\_\_\_\_  
 20 Michael T. Pfau, WSBA No. 24649  
 21 [mpfau@gth-law.com](mailto:mpfau@gth-law.com)  
 22 Michelle A. Menely, WSBA No. 28353  
 23 [mmenely@gth-law.com](mailto:mmenely@gth-law.com)  
 24 Co-Counsel for Plaintiff

25  
 26 LAW OFFICES OF TIMOTHY D. KOSNOFF

27 By \_\_\_\_\_  
 28 Timothy D. Kosnoff, WSBA No. 16586  
 29 [timkosnoff@comcast.net](mailto:timkosnoff@comcast.net)  
 30 Co-Counsel for Plaintiff

31  
 32 REPLY ON MOTION TO AMEND COMPLAINT - 5  
 33 (06-2-09825-1 SEA)  
 34 [176457 v18.doc]

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 36 LAW OFFICES  
 37 GORDON, THOMAS, HONEYWELL, MALANCA,  
 38 PETERSON & DAHEIM LLP  
 39 ONE UNION SQUARE  
 40 600 UNIVERSITY, SUITE 2100  
 41 SEATTLE, WASHINGTON 98101-4185  
 42 (206) 676-7500 - FACSIMILE (206) 676-7575

**CERTIFICATE OF SERVICE**

COMES NOW Tanya Garbell and declares:

1. I am employed at the law office of Gordon, Thomas, Honeywell, Malanca, Peterson & Daheim, LLP.;

2. On March 5, 2007, I served true and correct copies of the foregoing via ABC Legal Messengers (or other method indicated below) by directing delivery to and addressed to the following:

*Counsel for Defendant COP*  
Charles C. Gordon, Esq.  
Michael R. Rosenberger, Esq.  
GORDON MURRAY TILDEN  
1001 Fourth Avenue, Suite 4000  
Seattle WA 98154  
Phone: 206.467.6477  
Fax: 206.462.6292

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE  
STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT.

EXECUTED this 5<sup>th</sup> day of March, 2007 at Seattle, Washington.

*Tanya Garbell*  
Tanya Garbell, Legal Assistant

REPLY ON MOTION TO AMEND COMPLAINT  
(06-2-09825-1 SEA)  
[176457 v18.doc]

LAW OFFICES  
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600 UNIVERSITY, SUITE 2100  
SEATTLE, WASHINGTON 98101-4185  
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FILED

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MAR 06 2007

SUPERIOR COURT ...RIS  
BY DEBRA BAILEY TRAIL DEPUTY

The Honorable William L. Downing

SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR KING COUNTY

ROB RINDE f/k/a ROBERT LARRY LEROY  
PITSOR, JR..

NO. 06-2-09825-1 SEA

Plaintiff:

[PROPOSED] ORDER DENYING  
PLAINTIFF'S MOTION TO AMEND  
COMPLAINT

THE CORPORATION OF THE PRESIDENT  
OF THE CHURCH OF JESUS CHRIST OF  
LATTER-DAY SAINTS, a Utah corporation  
sole; a/k/a the "MORMON CHURCH" THE  
CHURCH OF JESUS CHRIST OF LATTER-  
DAY SAINTS, an unincorporated association,

### Defendants.

THIS MATTER came before the Court on the Plaintiff's Motion to Amend the Complaint to add several causes of action against Gordon Conger. The Court has considered plaintiff's motion, the Declaration of Michelle A. Menely and attached exhibits, defendant's opposition to the motion, the Declaration of Michael Rosenberger and attached exhibits and plaintiff's reply.

Having considered the parties' submissions, the Court hereby denies the motion. While motions to amend are usually freely given, a trial court appropriately denies a motion to amend

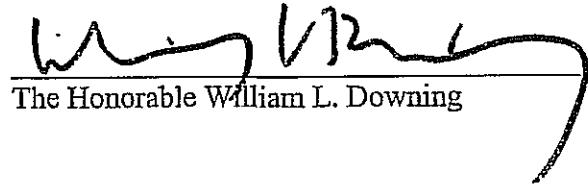
**ORDER - 1**

**GORDON MURRAY TILDEN LLP**  
1001 Fourth Avenue, Suite 4000  
Seattle, WA 98154-1007  
Phone (206) 467-6477  
Fax (206) 467-6292

1 when a claim is without merit. To the extent plaintiff has any claims against Mr. Conger based  
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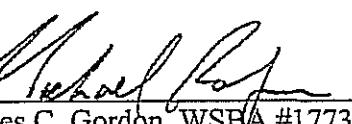
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6 DATED this 5 day of March, 2007.

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13 The Honorable William L. Downing  
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Presented by:

GORDON MURRAY TILDEN LLP

By   
23 Charles C. Gordon, WSBA #1773  
24 Jeffrey I. Tilden, WSBA #12219  
25 Michael Rosenberger, WSBA #17730  
26 Attorneys for Defendant

ORDER - 2

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KING COUNTY  
SUPERIOR COURT CLERK  
SEATTLE, WA

The Honorable William L. Downing

SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR KING COUNTY

ROB RINDE f/k/a ROBERT LARRY LEROY  
PITSOR, JR.,

Plaintiff,

v.

THE CORPORATION OF THE PRESIDENT  
OF THE CHURCH OF JESUS CHRIST OF  
LATTER-DAY SAINTS, a Utah corporation  
sole, and the "MORMON CHURCH" THE  
CHURCH OF JESUS CHRIST OF LATTER-  
DAY SAINTS, an unincorporated association,

Defendant.

NO. 06-2-09825-1 SEA

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on March 7, 2007, copies of the following

document:

1. NOTICE TO CLERK OF SUPERIOR COURT OF FILING NOTICE OF  
REMOVAL; and
2. this CERTIFICATE OF SERVICE

were served at the following addresses via the methods indicated:

Michael T. Pfau

Michelle A. Menely

CERTIFICATE OF SERVICE - 1

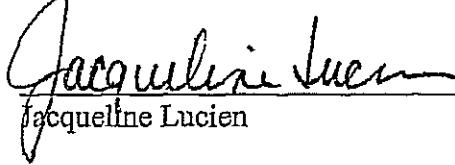
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ORIGINAL

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4 Co-Counsel for Plaintiff Rob Rinde  
5  Mail  Hand Delivery  Via e-mail  
6  Fax  Federal Express

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8 Timothy D. Kosnoff  
9 Law Offices of Timothy D. Kosnoff  
10 One Union Square  
11 600 University Street, Suite 2101  
12 Seattle, WA 98101  
13 Co-Counsel for Plaintiff Rob Rinde  
14  Mail  Hand Delivery  Via e-mail  
15  Fax  Federal Express

16  
17 DATED this 7th day of March, 2007.

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21 Jacqueline Lucien  
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KING COUNTY  
SUPERIOR COURT CLERK  
SEATTLE, WA

The Honorable William L. Downing

SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR KING COUNTY

ROB RINDE f/k/a ROBERT LARRY LEROY  
PITSOR, JR.,

NO. 06-2-09825-1 SEA

Plaintiff,

NOTICE TO CLERK OF SUPERIOR  
COURT OF FILING NOTICE OF  
REMOVAL

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v.  
THE CORPORATION OF THE PRESIDENT  
OF THE CHURCH OF JESUS CHRIST OF  
LATTER-DAY SAINTS, a Utah corporation  
sole,

(Clerk's Action Required)

Defendant.

TO: Clerk of the Superior Court of the State of Washington for King County

NOTICE IS HEREBY GIVEN pursuant to 28 U.S.C. § 1446(e) that on March 7, 2007,  
CORPORATION OF THE PRESIDENT OF THE CHURCH OF JESUS CHRIST OF LATTER-  
DAY SAINTS, the sole defendant in the above-entitled action, filed a Notice of Removal, a copy  
of which is attached to this Notice, removing the above-entitled action to the United States  
District Court for the Western District of Washington at Seattle.

NOTICE TO CLERK OF REMOVAL - 1

GORDON MURRAY TILDEN LLP  
1001 Fourth Avenue, Suite 4000  
Seattle, WA 98154-1007  
Phone (206) 467-6477  
Fax (206) 467-6292

ORIGINAL

1 YOU ARE ALSO ADVISED that upon this filing of a copy of the notice with the Clerk  
2 of the Superior Court of Washington for King County, such Court shall proceed no further unless  
3 and until the case is remanded.  
4

5 DATED this 7 day of March, 2007.  
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11 **GORDON MURRAY TILDEN LLP**

12 By   
13

14 Charles C. Gordon, WSBA #1773  
15 Jeffrey I. Tilden, WSBA #12219  
16 Michael Rosenberger, WSBA #17730  
17 Attorneys for Defendant The Corporation of the  
18 President of the Church of Jesus Christ of Latter-Day  
19 Saints  
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NOTICE TO CLERK OF REMOVAL - 2

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Seattle, WA 98154-1007  
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12 UNITED STATES DISTRICT COURT  
13 WESTERN DISTRICT OF WASHINGTON AT SEATTLE  
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15 ROB RINDE f/k/a ROBERT LARRY LEROY  
16 PITSOR, JR.,

17 NO.  
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20 Plaintiff,  
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22 v.  
23  
24 THE CORPORATION OF THE PRESIDENT  
25 OF THE CHURCH OF JESUS CHRIST OF  
26 LATTER-DAY SAINTS, a Utah corporation  
27 sole,  
28  
29 Defendant.

30 NOTICE OF REMOVAL  
31 (DIVERSITY JURISDICTION)

32  
33 Defendant Corporation of the President of the Church of Jesus Christ of Latter-day Saints  
34 ("COP")<sup>1</sup> removes this action from the Superior Court of Washington State in and for King  
35 County, to the United States District Court for the Western District of Washington, upon the  
36 following grounds:  
37

38 1. COP is the sole defendant in a civil action filed in the Superior Court of  
39 Washington in and for King County, styled Rob Rinde f/k/a Robert Larry Leroy Pitsor, Jr. v. The  
40 Corporation of the President of The Church of Jesus Christ of Latter-day Saints, a Utah  
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44  
45 <sup>1</sup> Defendant's name is as stated; the Complaint incorrectly places "the" before "Corporation."

NOTICE OF REMOVAL - 1  
No.

GORDON MURRAY TILDEN LLP  
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Seattle, WA 98154  
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1 corporation sole, aka the "Mormon Church" the Church of Jesus Christ of Latter-Day Saints, an  
 2 unincorporated association, No. 06-2-09825-1 SEA (the "state court action"). Plaintiff  
 3 commenced the state court action by filing a complaint on March 22, 2006, a copy of which is  
 4 attached to this Notice. Undersigned counsel accepted service on behalf of the defendant and  
 5 defendant filed an answer.

6  
 7 2. Pursuant to 28 U.S.C. § 1441(a), "any civil action brought in a State court of  
 8 which the district courts of the United States have original jurisdiction, may be removed by the  
 9 defendant or defendants, to the district court of the United States for the district and division  
 10 embracing the place where such action is pending."

11  
 12 3. This Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1332  
 13 based upon diversity of citizenship. The Plaintiff's interrogatory responses state that he resides  
 14 in the State of Minnesota. Defendant is a citizen of Utah, incorporated under the laws of Utah,  
 15 with its principal place of business in Utah. The complaint filed in the state court action does not  
 16 set forth the dollar amount of damages sought by plaintiff. Given the complaint alleges multiple  
 17 acts of sexual abuse, including one described as "brutal," all of which are alleged to have  
 18 occurred while plaintiff was a minor, defendant has a good faith belief that the plaintiff is  
 19 seeking damages in excess of \$75,000, exclusive of interest and costs.

20  
 21 4. COP previously removed this action, which was assigned cause number C06-  
 22 0556 TSZ. Plaintiff thereafter filed motions to amend the complaint to "clarify" the status of  
 23 "the Mormon Church" as an additional, independent defendant and to remand. This Court  
 24 granted the motion to amend and remanded the case to state court, finding the Mormon Church  
 25 to be an unincorporated association that is a citizen of each state in which it has a member, and  
 26 thus a non-diverse defendant. On February 13, 2007, the Superior Court dismissed the Mormon

27  
 28 NOTICE OF REMOVAL - 2  
 29 No.

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1 Church as a defendant, again leaving only COP as a defendant. The court's order granted  
 2 plaintiff 14 days to file a motion to amend his complaint to add another non-diverse defendant,  
 3 Gordon Conger. On March 5, 2007, the Superior Court denied plaintiff's motion to amend to  
 4 add Mr. Conger. COP then timely removed.  
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10 WHEREFORE, Corporation of the President of the Church of Jesus Christ of Latter-day  
 11 Saints hereby removes this action from the Superior Court of Washington State in and for King  
 12 County to the United States District Court for the Western District of Washington at Seattle.  
 13  
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 15

16 DATED this 7 day of March, 2007.  
 17  
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19 **GORDON MURRAY TILDEN LLP**  
 20  
 21

22 By   
 23 Charles C. Gordon, WSBA #1773  
 24 Jeffrey I. Tilden, WSBA #12219  
 25 Michael Rosenberger, WSBA #17730  
 26 Attorneys for CORPORATION OF THE  
 27 PRESIDENT OF THE CHURCH OF JESUS  
 28 CHRIST OF LATTER-DAY SAINTS  
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NOTICE OF REMOVAL - 3  
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KING COUNTY  
SUPERIOR COURT CLERK  
SEATTLE, WA.

SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR KING COUNTY

ROB RINDE f/k/a ROBERT LARRY LEROY  
PITSOR, JR.

NO.

06-2-09825-1SEA

COMPLAINT

Plaintiff,

vs.

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THE CORPORATION OF THE PRESIDENT  
OF THE CHURCH OF JESUS CHRIST OF  
LATTER-DAY SAINTS, a Utah corporation  
sole, aka the "MORMON CHURCH" THE  
CHURCH OF JESUS CHRIST OF LATTER-  
DAY SAINTS, an unincorporated association,

WILLIAM L. DOWNING

Defendant.

I. GENERAL ALLEGATIONS

This case alleges child sexual abuse, sexual assault and sexual battery, intentional infliction of emotional distress (aka the Tort of "Outrage"), civil conspiracy, fraudulent concealment and gross negligence. It arises out of the brutal victimization of plaintiff when he was twelve years old by PAUL H. LEWIS, a Mormon Church Scoutmaster and Melchesidek priest. LEWIS sodomized plaintiff, beat and choked him and forced a wire coat

COMPLAINT - 1 of 10

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[160316 v05.doc]

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hangar up his penis inflicting permanent injury to his urogenital system that resulted in excruciating physical and emotional pain that persists to this day. When he was approximately fourteen years old Plaintiff disclosed the abuse to civil authorities. Three church officials, including one who was a Seattle attorney, a Bellevue ward bishop and another local church leader knowing that plaintiff's accusations were true pressured plaintiff into not cooperating with law enforcement officials who were investigating LEWIS. These church officials acted as part of a coordinated effort to shield fellow priest LEWIS from the law and to protect the Mormon Church from scandal and civil liability.

## II. PARTIES

2.1 Plaintiff ROB RINDE, (known as Larry Pitsor at relevant times), is an adult and at all times relevant hereto was a boy residing with his mother and siblings first in Seattle, and then in Bellevue, Washington. Plaintiff was born December 8, 1969. ROB RINDE, his mother and his four siblings were recruited into the Church of Jesus Christ of Latter-day Saints (hereinafter the "Mormon Church").

2.2 Defendant THE CORPORATION OF THE PRESIDENT OF THE CHURCH OF JESUS CHRIST LATTER-DAY SAINTS, a Utah corporation sole, is a corporation duly organized and operating pursuant to the laws of Utah. This defendant also operates as the "MORMON CHURCH" THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, which is an unincorporated association. The defendant will hereinafter be referred to as COP. In both capacities, COP operates churches within the State of Washington.

## III. JURISDICTION AND VENUE

3.1 Jurisdiction and venue are proper in this Court because the acts giving rise to this claim occurred in Bellevue, King County, Washington.

COMPLAINT - 2 of 10

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#### IV. FACTS

4.1 "COP" is a corporation governed by a single individual, the President of the Mormon Church, Gordon B. Hinckley. The President wields ultimate and absolute authority within the Mormon Church. Mr. Hinckley, is the "Divine Prophet, Seer and Revelator" of the Church and has the authority to appoint and remove anyone in the Mormon Church, including all members of wards and stakes, at will. The President of the Mormon Church controls everything in the Mormon Church and all of its wards and stakes. As such, the President of the Church has authority to dictate changes in Church policy, discipline, ecclesiastical doctrine or anything else he so chooses. The acts of the President, in his capacity as head of the Mormon Church, are the acts of COP. COP is registered to do business within, and conducts continuous and systematic activities within, the State of Washington. At all relevant times, plaintiff was a member of and attended a Seattle and/or a Bellevue ward of the Mormon Church.

4.2 Adult male members of the Church are eligible to be ordained as "Priests." There are various levels of priesthood, including elevation to the rank of "Elder," "Melchesidek Priest," "High Priest." Elders, Melchesidek Priests and High Priests are held out by the Mormon Church as men that are "morally worthy" and deserving of the trust of its members.

4.3 At all relevant times, the Mormon Church assumed special responsibilities toward its members including a disciplinary and red-flagging system meant to identify and track sexual predators and other dangerous individuals within the membership in order to protect innocent members from harm they might inflict.

4.4 The Mormon Church is closely affiliated with the Boy Scouts of America. The Mormon Church is the oldest and one of the largest sponsoring organizations of boy scouting in the United States. Since 1913 the Mormon Church has used the Scouting program as an

COMPLAINT - 3 of 10

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1 integral part of its ministry to boys and young men. Scouting is the exclusive youth activity  
 2 for males in the Mormon Church.

3       4.5     During the relevant time period, COP adopted guidelines for handling victims  
 4 of child sexual abuse and sex offenders. They failed to follow their guidelines with respect to  
 5 LEWIS.

6       4.6     During the approximate time period of 1981-1983, when RINDE was around  
 7 twelve years old, LEWIS was RINDE's ward scoutmaster. At that time LEWIS was in the  
 8 United States Navy and was a transient with no ties or history to the area prior to the church  
 9 placing LEWIS in the position of Scoutmaster of a Seattle ward to which RINDE was a  
 10 member.

11      4.7     Using his position of authority as Scoutmaster and Mormon Priest, LEWIS  
 12 was able to gain access to RINDE and use that access to groom and then molest, rape and  
 13 sadistically torture him.

14      4.8     LEWIS sexually molested RINDE at various locations in the Seattle area  
 15 including at an apartment to which LEWIS had unrestricted access, in the swimming pool,  
 16 locker room/shower and steam bath at Sand Point Naval Air Station, and in a motel room in  
 17 Issaquah.

18      4.9     The most appalling acts of abuse occurred in a room at Motel 6 in Issaquah in  
 19 approximately 1983. LEWIS used physical violence against RINDE, sodomizing him and  
 20 forcing RINDE to orally copulate LEWIS. LEWIS then took a wire coat hanger and forced it  
 21 into RINDE's urethra causing him to hemorrhage and causing chronic and irreparable injury  
 22 to his penis and urogenital system. These were acts of childhood sexual abuse, which acts  
 23 were also violations of chapter 9A.44 RCW or RCW 9.68A.040 or prior laws of similar effect  
 24 at the time the acts were committed.

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 COMPLAINT - 4 of 10

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1           4.10 In approximately 1984 or 1985, RINDE disclosed the abuse and his mother  
 2 reported it to the civil and church authorities. A criminal investigation of LEWIS ensued.  
 3 Church officials described herein above shielded LEWIS from the law. The same church  
 4 officials urged RINDE, then age fourteen (14), to not cooperate with the law enforcement  
 5 investigation of LEWIS thereby allowing LEWIS to evade criminal prosecution and to move  
 6 to another state where he eventually sexually molested more children. These church officials  
 7 told him that he would not be believed, that it would be "his word" against LEWIS, that his  
 8 allegations would hurt the image and reputation of the Mormon Church, that RINDE would  
 9 be ridiculed and derided by church members in addition to other comments calculated to  
 10 intimidate RINDE from cooperating with the civil authorities investigating LEWIS.

11           4.11 Church leaders told RINDE that the church would "take care of things," that  
 12 they would help him with therapy and that they would help his family financially.

13           4.12 An abuse victim advocate in the King County Prosecutor's office arranged a  
 14 meeting with RINDE at her office. Before she could meet privately with RINDE, Mormon  
 15 Church leaders interfered in the investigative process. The three adult male Church officials  
 16 went to RINDE'S home and told him that they would take him to the meeting at the  
 17 prosecutor's office downtown. On the ride downtown in the car the three adult Mormon  
 18 church officials pressured RINDE not to cooperate with law enforcement officials.

19           4.13 At the meeting, the church official that was a licensed Washington attorney  
 20 told the victim's advocate that he was RINDE'S attorney which was untrue. The church  
 21 official/lawyer told the victim advocate he would not permit her to interview RINDE in  
 22 private.

23           4.14 RINDE succumbed to the Church's pressure not to cooperate. As a result,  
 24 charges against LEWIS were not filed. Soon thereafter LEWIS moved to another state and  
 25 joined a another ward of the Mormon Church.

26           COMPLAINT - 5 of 10

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[160316 v05.doc]

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**V. FIRST CAUSE OF ACTION**  
(Negligence based on Common Law and breach of Fiduciary Duty)

5.1 Plaintiff incorporates all paragraphs of this Complaint as if fully set forth under this count and further alleges:

5.2 Defendants COP and Mormon Church had a common law duty to plaintiff to protect him from the criminal acts of LEWIS.

5.3 Defendants COP and the Mormon Church breached their duty to protect plaintiff and plaintiff damaged thereby.

5.4 Defendants COP had a "special relationship" with plaintiff and with LEWIS. They knew or should have known that LEWIS was a sadistic serial pedophile that was actively abusing children, COP had a duty to use reasonable care in the hiring, supervision or retention of LEWIS as scoutmaster and also had a duty to warn or protect foreseeable victims including plaintiff. LEWIS' positions within the defendants' church were causally connected to and served to enable LEWIS to gain access to and abuse plaintiff.

5.5 The Mormon Church's bishops, stake presidents and Boy Scout leaders within the State of Washington breached both a duty of reasonable care in hiring, supervising or retaining LEWIS as scoutmaster and by failing to warn or protect children and/or by failing to report their knowledge of LEWIS's sexual abuse of children to civil authorities.

5.6 But for the breach of duty, acts, omissions and intentional misconduct of COP and the Mormon Church, church bishops, boy scout leaders, stake presidents and area presidents, LEWIS would not have been able to abuse plaintiff.

5.7 COP's failure to adhere to its previously adopted guidelines for handling victims of child sexual abuse and sex offenders caused harm to the plaintiff. The harm plaintiff suffered as a result of defendant's negligence was the harm contemplated in COP's Handbook of Instruction to its clergy.

COMPLAINT - 6 of 10

[160316 v05.doc]

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5.8 Notwithstanding Defendant's duties, defendant failed to train and supervise its hierachal clergy in the proper implementation of its guidelines, policies and procedures regarding the treatment of victims of child sexual abuse, to monitor and insure compliance with their guidelines, policies and procedures, treatment of child sexual abusers and reporting of child sexual abuse.

5.9 Defendants knew, or in the exercise of reasonable care should have known, that its failure to report LEWIS to appropriate law enforcement or social services agencies would result in LEWIS sexually abusing children including plaintiff, and in plaintiff failing to obtain adequate treatment.

5.10 As a result of the molestation, breach of trust, and statutory violations, plaintiff has suffered and will continue to suffer physical and emotional pain and dysfunction to his general, non-economic damage in an amount to be determined. As a further result of the sexual abuse, plaintiff incurred and/or will continue to incur costs for counseling and psychological treatment, and has lost earning capacity to his damage in an amount to be proved at trial.

VI. SECOND CAUSE OF ACTION  
(Intentional Infliction of Emotional Distress)

6.1 Plaintiff incorporates all paragraphs of this Complaint as if fully set forth under this count and further allege:

6.2 Defendant knew, or in the exercise of reasonable care should have known, that tampering with a witness was unlawful and that such conduct as pressuring victims not to disclose, would be harmful to the best interests and psychological well-being of child victims of sexual abuse, including plaintiff.

6.3 Defendants knew or should have known that pressuring plaintiff not to cooperate with the civil authorities' investigation of LEWIS would greatly exacerbate

COMPLAINT - 7 of 10

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plaintiff's physical, emotional and psychological injuries and, in fact, the defendant's conduct greatly exacerbated plaintiff's physical, emotional and psychological injuries.

6.4 Defendant knew that plaintiff had been subjected to horrific sexual abuse at the hands of its Scoutmaster and Melchesidek Priest PAUL LEWIS and knew that plaintiff had and would continue to suffer emotional, psychological and physical injuries and that unless he received appropriate assistance from civil authorities, that his injuries would be greatly exacerbated and much more difficult to treat with the passage of time.

6.5 The Church, being more concerned about shielding itself from scandal and potential civil liability and intent on protecting the public image of its all-male Mormon priesthood at the expense of aiding a gravely injured child that was plaintiff, pressured plaintiff in to not cooperating with the civil authorities with full knowledge of or with reckless disregard of the emotional and psychological injuries its conduct was certain to inflict.

6.6 Defendant's conduct was an outrageous violation of societal norms and went so far beyond all possible bounds of decency, so as to be regarded as atrocious, and utterly intolerable in a civilized community, and resulted in severe emotional distress.

6.7 As a further result of the defendant's intentional conduct, plaintiff has incurred and/or will continue to incur costs for counseling and psychological treatment, and has lost earning capacity to his damage in an amount to be proved at trial. As a result of the defendant's conduct, plaintiff has suffered and will continue to suffer physical and emotional pain and dysfunction to his general, non-economic damage in an amount to be proved at trial.

VII. THIRD CAUSE OF ACTION  
(Estoppel and Fraudulent Concealment)

7.1 Plaintiff incorporates all paragraphs of this Complaint as if fully set forth under this count and further allege:

7.2 Church defendants engaged in a plan of action to cover up incidents of the sexual abuse of minors by its Melchesidek priests and scout leaders and to prevent disclosure.

COMPLAINT - 8 of 10

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[160316 v05.doc]

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prosecution and civil litigation including, but not limited to: failure to report incidents of abuse to law enforcement or child protection agencies, denial of abuse it had substantiated, the transfer of abusive Melchesidek priests and scoutmasters, coercion of victims and their families and by failure to seek out and redress the *injuries* these men had caused. Based on these actions, the defendants engaged in fraudulent concealment and are estopped from asserting defense of limitations.

**VIII. FOURTH CAUSE OF ACTION  
(Civil Conspiracy)**

8.1 Plaintiff incorporates all paragraphs of this Complaint as if fully set forth under this count and further allege:

8.2 Defendant and others conspired to cover up incidents of sexual abuse of minors by its Mormon priests and scout leaders, including LEWIS and to prevent disclosure, prosecution and civil litigation including, but not limited to: failure to report incidents of abuse to law enforcement or child protection agencies, denial of abuse it had substantiated, aiding criminal child molesters in evading detection, arrest and prosecution, allowing them to cross state and international borders for purposes of gaining access to uninformed parents whose innocent children could be sexually abused, failure to warn, and by failure to seek out and redress the *injuries* its Melchesidek priests and scoutmasters had caused. Based on these actions, the defendants conspired for the unlawful purpose of concealing and suppressing information on the danger and threat that scoutmaster and priests like LEWIS posed to unsuspecting children, including the plaintiff.

COMPLAINT - 9 of 10

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2                   IX. PRAYER FOR RELIEF  
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45                   WHEREFORE, Plaintiff prays that the Court enter a judgment against the defendant  
6 and in plaintiff's behalf, for the following:  
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89                   1. For special damages for medical treatment expenses, lost earnings, and lost  
10                   earnings capacity, and the expenses of medication and other special expenses, both in the past  
11                   and continuing into the future, in amounts to be determined at the time of trial;  
12                   2. For all general damages, for physical, mental and emotional injury and  
13                   disturbance, and other disorders resulting from the acts complained of herein;  
14                   3. For attorney's fees, prejudgment interest, costs and exemplary damages  
15                   allowed by RCW 9.68A.130 and other law; and  
16                   4. For such other and further relief as this Court determines just in the premises.  
17  
18                   Dated this 22 day of March, 2006.  
1920  
21                   GORDON, THOMAS, HONEYWELL,  
22                   MALANCA, PETERSON & DAHEIM LLP  
23  
2425                   By: \_\_\_\_\_  
2627                   Michael T. Pfau, WSBA No. 24649  
28                   [mpfan@gth-law.com](mailto:mpfan@gth-law.com)  
29                   Michelle A. Menely, WSBA No. 28353  
30                   [mmenely@gth-law.com](mailto:mmenely@gth-law.com)  
31                   Co-Counsel for Plaintiff  
3233  
34                   LAW OFFICES OF TIMOTHY D. KOSNOFF  
35  
3637                   By: \_\_\_\_\_  
3839                   Timothy D. Kosnoff, WSBA No. 16586  
40                   [timkosnoff@comcast.net](mailto:timkosnoff@comcast.net)  
41                   Co-Counsel for Plaintiff  
42  
4344  
45                   COMPLAINT - 10 of 10  
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